

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: **Carcy et al.**
Serial No.: 10/563,601 (National Phase entry under 35 U.S.C. § 371 of
PCT/EP2004/051454, filed July 12, 2004)
Confirmation No.: 8856
File Date: May 4, 2006
Group Art Unit: 1645
Examiner: Archie, Nina
For: Babesia Vaccines
Attorney Docket: I-2003.005 US

November 2, 2009

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT
UNDER 37 C.F.R. 1.705

Mail Stop: PETITIONS
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313

Sir:

Applicants request reconsideration of the patent term adjustment indicated in the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) that accompanied the Notice of Allowance dated September 28, 2009. Applicants have determined that the patent term adjustment should be 358 days, rather than the 83 days indicated.

The Commissioner is hereby authorized to debit the fee under 37 C.F.R. 1.18(e) to Deposit Account No. 19-0365.

Applicants' determination is detailed in Appendix A, the AIPA Term Calculation Report, submitted herewith. The credits and debits with respect to the patent term adjustment are summarized as follows:

USSN: 10/563,601
Attorney Docket: 2003.005 US
Patent Term Adjustment under 37CFR1.705

Credits:

3-Year PTO Issue of Patent (Wyeth et al. v. Dudas, DDC, 9/30/08)	
[4/18/2006 to 4/6/2010]	337 days
14-month PTO First Action	
[5/4/2006 to 11/16/2007]	135 days
4-month PTO Response to Applicant Reply	
[4/16/2008 to 8/20/2008]	<u>4 days</u>
Total	476 days

Debits:

3-Month Applicant Response to Action	
[8/20/2008 to 1/15/2009]	56 days
3- Month Applicant Response to Action	
[4/16/2009 to 9/16/2009]	<u>62 days</u>
Total	118 days

Credits less Debits equal 358 days.

Applicants respectfully request that the patent term adjustment be reconsidered and the full term adjustment of 358 days be applied to the patent that is to issue.

Applicants do not believe that any other fee is due in connection with this filing. If, however, Applicants do owe any such fee(s), the Commissioner is hereby authorized to charge the fee(s) to Deposit Account No. 19-0365. In addition, if there is ever any other fee deficiency or overpayment under 37 C.F.R. §1.16 or 1.17 in connection with this patent application, the Commissioner is hereby authorized to charge such deficiency or overpayment to Deposit Account No. 19-0365.

USSN: 10/563,601
Attorney Docket: 2003.005 US
Patent Term Adjustment under 37CFR1.705

Respectfully submitted,

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